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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

MATENA ET AL.

Application No.: 09/812,537

Filed: March 19, 2001

For: METHOD AND APPARATUS FOR
PROVIDING APPLICATION SPECIFIC
STRATEGIES TO A JAVA PLATFORM
INCLUDING LOAD BALANCING POLICIES

Group Art Unit: 2144

Examiner: Delgado, Michael A.

Atty. Docket No: SUNMP002B

Date: August 28, 2006

09/05/2006 MBIZUNES 00000002 09812537

01 FC:1401 500.00 OP

09/05/2006 MBIZUNES 00000002 09812537

02 FC:1253 1020.00 OP

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450 on August 28, 2006.

Signed: _____

Kay Harlow

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS AND INTERFERENCES**

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Appeals from the decision of the Primary Examiner mailed February 27, 2006, rejecting Claims 1-8, and 10-20.

The item(s) checked below are appropriate:

Appeal Fee: ☐ \$250.00 (Small Entity) ☒ \$500.00 (Large Entity)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply:

☒ Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

<u>Months</u>	<u>Large Entity</u>	<u>Small Entity</u>
<input type="checkbox"/> one	\$120.00	\$ 60.00
<input type="checkbox"/> two	\$450.00	\$225.00
<input checked="" type="checkbox"/> three	<u>\$1,020.00</u>	\$510.00

If an additional extension of time is required, please consider this a petition therefor.

Attorney Docket No.: SUNMP002B

☐ An extension for ___ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

☒ Applicants believe that this Appeal is necessitated by a delay of the Office in processing a Terminal Disclaimer filed by fax August 18, 2006 in related Application No. 09/812536, in that (1) the Examiner Interview Summary Record (PTOL-413) listed in Private PAIR as of 8/17/06 (but not available today on-line and not yet received by mail) is believed to indicate that the above-identified Application is to be allowed in view of the Terminal Disclaimer and amendments to the claims herein to which Applicants have agreed, and (2) the Notice of Allowance was still being typed today, but was not mailed today, August 28, 2006, the end of the six month period for response. As the only known available way to prevent abandonment of the captioned Application, despite the fact that the noted delay was not caused by Applicants, this Notice is being filed pending mailing of the Notice of Allowance, and a Request For Refund Of Fees Paid will be made upon receipt of the Notice of Allowance.

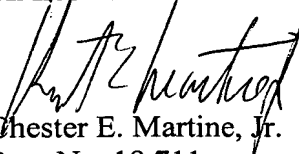
Total Fee Due

Notice of Appeal Fee	\$ 500.00
Extension Fee (if any)	\$ 1,020.00
Total Fee Due	\$ <u>1,520.00</u>

☒ Enclosed is Check No.16950 in the amount of \$1,520.00.

☒ Charge any additional fees or credit any overpayment to Deposit Account No. 50-0805, (Order No. SUNMP002B). Two additional copies of this Notice are enclosed.

Respectfully submitted,
MARTINE PENILLA & GENCARELLA, LLP


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